

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM LAMB,

Plaintiff,

Case No. 10-14645

v.

Honorable Patrick J. Duggan

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on February 28, 2012.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On November 22, 2010, William Lamb (“Plaintiff”) filed this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of Defendant Commissioner of Social Security (“Commissioner”) denying his application for Disability Insurance Benefits and Supplemental Security Income. Plaintiff and the Commissioner have filed cross-motions for summary judgment, and these motions are presently before the Court. The Court has referred this matter to Magistrate Judge Laurie J. Michelson for all pretrial proceedings.

On December 1, 2011, Magistrate Judge Michelson filed a Report and Recommendation (“R&R”), in which she recommends that the Court deny the Commissioner’s motion for summary judgment and grant Plaintiff’s motion for summary

judgment in part. Magistrate Judge Michelson recommends that the Court reverse the decision of the Commissioner and remand for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Magistrate Judge Michelson noted that the Administrative Law Judge (“ALJ”) found that Plaintiff had moderate difficulties with regard to concentration, persistence, or pace. The ALJ’s residual functional capacity assessment and hypothetical question to the vocational expert failed to account for these difficulties, limiting Plaintiff to “simple, unskilled . . . work.” Magistrate Judge Michelson concludes that remand is necessary to address Plaintiff’s difficulties with regard to concentration, persistence, or pace.

At the conclusion of the R&R, Magistrate Judge Michelson advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. R&R 36. She further advises that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” *Id.* (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596 (6th Cir. 2006); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005)). No objections to the R&R have been filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Michelson.

Accordingly,

IT IS ORDERED that the Commissioner’s motion for summary judgment is **DENIED**;

IT IS FURTHER ORDERED that Plaintiff’s motion for summary judgment is **GRANTED IN PART**. The decision of the Commissioner is **REVERSED** and

REMANDED for further proceedings in accordance with this Opinion and Order, pursuant to sentence four of 42 U.S.C. § 405(g).

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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